

Members:

Sen. Richard Bray, Chair
Sen. David Ford
Sen. William Alexa
Sen. Timothy Lanane
Rep. Jesse Villalpando, Vice Chair
Rep. Kathy Richardson
Rep. Ralph Ayres
Rep. Dale Sturtz



Lay Members:

Hon. Randall Shepard
Hon. Ernest Yelton
Mary Lou Schnell
William Overdeer
Sarah Taylor

LSA Staff:

Susan Preble, Fiscal Analyst for the Commission
George Angelone, Attorney for the Commission

Authority: IC 33-1-15

COMMISSION ON COURTS

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 232-9588 Fax: (317) 232-2554

MEETING MINUTES

Meeting Date: October 15, 1998
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington St., Room 404
Meeting City: Indianapolis, Indiana
Meeting Number: 6

Members Present: Sen. Richard Bray, Chair; Sen. David Ford; Sen. Timothy Lanane;
Rep. Jesse Villalpando, Vice Chair; Rep. Kathy Richardson; Rep. Ralph Ayres;
Rep. Dale Sturtz; Honorable Randall Shepard; Honorable Ernest Yelton; William
Overdeer; Sarah Taylor.

Members Absent: Sen. William Alexa; Mary Lou Schnell.

CALL TO ORDER AND OPENING REMARKS

Senator Bray called the meeting to order at 10:15 a.m. The Commission then approved the minutes of the meeting of September 24, 1998.

SALARY INCREASE FOR COURT OFFICERS

Judge Paul Mathias, President, Indiana Judges' Association, distributed handouts and asked the Commission to consider raising court officers salaries.¹ He requested that the annual salaries of trial court judges be increased from \$90,000 to \$99,000. In response to a question from the Commission, Fred Biesecker reported that the Governor's Office has taken no position on judicial salaries.

RESIDENCY REQUIREMENTS FOR PROSECUTING ATTORNEY CANDIDATES

Stephen Johnson, Director, Indiana Prosecuting Attorneys Council, distributed handouts and testified in support of an amendment to PD 3456, which would add prosecuting attorney candidates to the proposal establishing a uniform requirement that a judge be a resident of the judicial district that the judge serves.² Sen. Lanane expressed concern about the possibility that no challengers would exist in a small county because potential candidates do not reside in the county.

¹ A copy of Judge Mathias' handouts is on file at the Legislative Information Center, Room 230, State House, Indianapolis, Indiana. The telephone number of the Legislative Information Center is (317) 232-9856, and the mailing address is 200 West Washington Street, Suite 301, Indianapolis, Indiana 46204-2789.

² A copy of Mr. Johnson's handout is on file at the Legislative Information Center. (See footnote 1).

VOTE ON PRELIMINARY DRAFTS

George Angelone, the Commission's staff attorney distributed copies of the following preliminary drafts to the Commission members: PD 3432, PD 3443, PD 3456 and PD 3510.³

Rep. Ayres explained that PD 3432 would make jury lists public records in Lake County and other counties that adopt the alternative jury selection procedures added by P.L. 4-1998. It would allow judges to keep the list confidential if the judge believes disclosure would either endanger the safety of potential or selected jurors or lead to jury tampering.

The Commission adopted a motion to amend PD 3432 to apply to all counties.

Stephen Key, Hoosier State Press Association, thanked Rep. Ayres and Sen. Bray for their efforts. He stated his belief that public access to jury lists is important because it allows the public to monitor the jury selection process. Mr. Key stated that the practice in most counties is to make jury lists publicly available.

Judge Yelton expressed support of the proposal and requested that an emergency clause be added. Sen. Bray stated that in his experience it is rare that judges have to keep jury lists closed.

The Commission then voted to recommend PD 3432 as amended.

Next, Mr. Angelone explained PD 3443. It adds 27 magistrates and 7 new courts statewide. Rep. Villalpando asked for the fiscal impact of the proposal. Susan Preble, fiscal analyst for the Commission, estimated the annual cost to the state to be \$3.3 million. Rep. Villalpando then requested that the PD be amended to reflect his understanding of the Commission's intent to add another judge for the Lake County Superior Court, County Division instead of a magistrate.

The Commission then voted to recommend PD 3443 with an amendment to add language to provide an additional judge to the Lake County Superior Court, County Division and remove the language which provided an additional magistrate for the County Division.

The Commission then voted to recommend PD 3456 with the amendment that prosecuting attorney candidates be added to the residency requirement.

The Commission also voted to recommend PD 3510 with an amendment that the discretionary maximum \$5,000 county supplement be eliminated.

REVIEW AND APPROVE FINAL REPORT

The Commission approved the draft of the Final Report with the understanding that the Report would be revised to include the amendments to the preliminary drafts discussed at the meeting.

ADJOURNMENT

With no further business before the Commission, Sen. Bray thanked the Commission members for their participation and commitment. Sen. Bray adjourned the meeting at 11:15 a.m.

³ Copies of the preliminary drafts are on file at the Legislative Information Center (see footnote 1).